



1/17/06  
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
Dated: January 13, 2006 Signature: Scott E. Charney  
(Scott E. Charney)

Docket No.: SPINE 3.0-421  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Pham et al.

Application No.: 10/808,817

Group Art Unit: 3726

Filed: March 25, 2004

Examiner: C. Agrawal

For: APPARATUS AND METHOD FOR  
CUTTING SPINAL IMPLANTS

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed December 13, 2005, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-27, drawn to a spinal implant cutting apparatus, classified in class 82, subclass 101.

II. Claims 28-47, drawn to a method of sizing a spinal implant, classified in class 29, subclass 557.

In response, Applicants hereby elect the invention of Group I, corresponding to claims 1-27. Applicants reserve the right to file a divisional application corresponding to the non-elected claims.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: January 13, 2006

Respectfully submitted,

By   
Scott E. Charney  
Registration No.: 51,548  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000

Attorney for Applicants

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